

**Appl. No.** : 10/771,845  
**Filed** : February 4, 2004

### **SUMMARY OF PHONE INTERVIEW**

December 19, 2007: The Examiner and Applicant's counsel Sabin Lee discussed potential amendments to independent Claims 1 and 10.

Exhibits and/or Demonstrations: None.

#### Identification of Claims Discussed

Independent Claims 1 and 10.

#### Identification of Prior Art Discussed

U.S. 2003/0225421 to Peavey

#### Proposed Amendments:

Applicant proposed amending Claim 1 to recite "locking the position of the closure device after deployment with a locking element." Applicant proposed amending Claim 10 to recite "locking the closure device in its clip configuration after deployment with a locking element."

#### Principal Arguments and Other Matters

Applicant first noted that the Examiner's reference to paragraph 112 of the specification refers to locking of the actuator 244 with respect to the closure device, as compared to locking of the closure device after deployment.

Applicant discussed with the Examiner the proposed amendments to Claims 1 and 10, and identified paragraph 98 of the specification as one location describing an embodiment of the locking element. The Examiner indicated that the proposed amendments to Claims 1 and 10 appeared to overcome the prior art rejection based on 35 U.S.C. § 102(e). The Examiner indicated that further consideration would have to be given to a possible obviousness rejection. Applicant indicated that it would also add some additional dependent claims reciting more particular structure of one embodiment of Applicant's invention.

#### Results of Interview

Applicant will file a Request for Continued Examination with the proposed amendments and new dependent claims discussed above.